

DOCKET NO.: MSFT-0672/158461.01
Application No.: 09/995,224
Office Action Dated: May 5, 2005

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Application of:

Adrian Conor Klein, Marcelo Aizenstein
Furman Calbucci, Jerald Lee Hittle, Ramez
Naam, Jeffrey Carey Reynar, Ziyi Wang

Confirmation No.: 9650

Application No.: 09/995,224

Group Art Unit: 2176

Filing Date: November 26, 2001

Examiner: Laurie Anne Ries

For: Smart Links

EXPRESS MAIL LABEL NO:
DATE OF DEPOSIT:

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

DECLARATION PURSUANT TO 37 C.F.R. 1.131

I, Richard Gerschwiler, declare and say that:

1. I am a software test engineer and manager at Microsoft Corporation, having worked at Microsoft from March, 1999 until the present.
2. While I am not an inventor of the invention described and claimed in U.S. Patent Application No. 09/995,224 (the above-identified application, hereinafter "the '224 application"), entitled "Smart Links," which was filed with the United States Patent and Trademark Office on November 26, 2001, I was test lead manager for the product that incorporated the subject matter of the '224 application (also known internally at Microsoft as "Smart Links").
3. During the time when I was supervising the testing and implementation of the Smart Links architecture, I worked with Adrian Klein and Marcelo Calbucci, inventors of the '224 application and program managers and engineers for the Smart Links project.

4. Accordingly, I am familiar with the subject matter of the Smart Links architecture and of the claims being pursued in the '224 application.

5. As such, I am familiar with and have evidence of dates that are relevant to conception and subsequent diligence by the inventors to reduction to practice of the Smart Links architecture that occurred.

6. It is my understanding that U.S. Patent Application Publication No. US 2002/0069223 ("Goodisman") and U.S. Patent Application Publication No. US 2002/0123912 ("Subramanian") are two references that have been cited by the United States Patent and Trademark Office in connection with the outstanding Official Action, dated May 5, 2005, being applied to the present application.

7. With respect to those two references, I hereby declare that the subject matter of the rejected claims of the '224 application was invented prior to October 31, 2000, the earliest possible effective date of the Subramanian reference, and also invented prior to November 17, 2000, the earliest possible effective date of the Goodisman reference.

8. In particular, I submit that the invention was conceived prior to October 31, 2000, and as test supervisor for the Smart Links project, I confirm that the invention was diligently and timely reduced to practice (and/or was constructively reduced to practice by the act of filing of the '224 application in November, 2001).

9. As evidence, in connection with my role as test supervisor for the Smart Links project, I inquired via email on August 8, 2000 (copy the relevant email attached as Attachment A) about the status of the Smart Links project of Adrian Klein and Marcelo Calbucci, both inventors of the '224 application.

10. Marcelo Calbucci responded to my email on August 8, 2000 (Attachment A again), indicating a status report for the Smart Links project, and attaching a power point slide deck that was presented the day before, August 7, 2000, to other Microsoft employees, discussing the Smart Links architecture. A redacted version of that power point slide deck is attached as Attachment B.

11. Accordingly, it is my belief that my August 8, 2000 email coupled with Marcelo Calbucci's response and the power point slide deck, as demonstrated by Attachments A and B, evidence possession of the invention by the inventors,

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described in the '224 application, prior to October 31, 2000, thereby removing Subramanian and Goodisman, as applicable references.

12.-- I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information or belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or by imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful statements may jeopardize the validity of the application, any patent issuing there upon, or any patent to which this verified statement is directed.

Date: 6/14/05


Richard Gerschwiler

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Attachment A

Watson, Thomas E. (Woodcock Washburn)

From: Marcelo Calbucci [IMCEAEX-
_O=MICROSOFT_OU=NORTHAMERICA_CN=CUSTOM+5FRECIPIENTS_CN=XENIX+5FUSERS_C
Sent: Tuesday, August 08, 2000 1:18 PM
To: Richard Gerschwiler
Cc: Fred Chao; Robert Vogt; Adrian Klein
Subject: RE: Smart Links



We had a meeting yesterday about this.

The meeting was mostly to evaluate if and how would the integration with Office Factoid works.

I used the following presentation:

<<Solutions.ppt>>

The next step, Adrian and I, will contact the Office guys to clarify any point that we think might be important on the decision of use the Factoid structure to implement Smart Navigation.

-----Original Message-----

From: Richard Gerschwiler
Sent: Tuesday, August 08, 2000 12:52 PM
To: Adrian Klein; Marcelo Calbucci
Cc: Fred Chao; Robert Vogt
Subject: Smart Links

I was wondering what the current status was of Smart Links. Is there any documentation I can start looking at? I'd also like to start attending any meetings that cover Smart Links. Rob tells me there is one scheduled for some time this week.

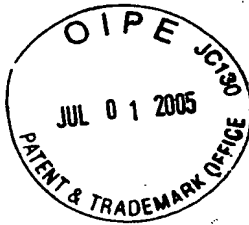
Thanks,
Richard.

6/10/2005

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Attachment B





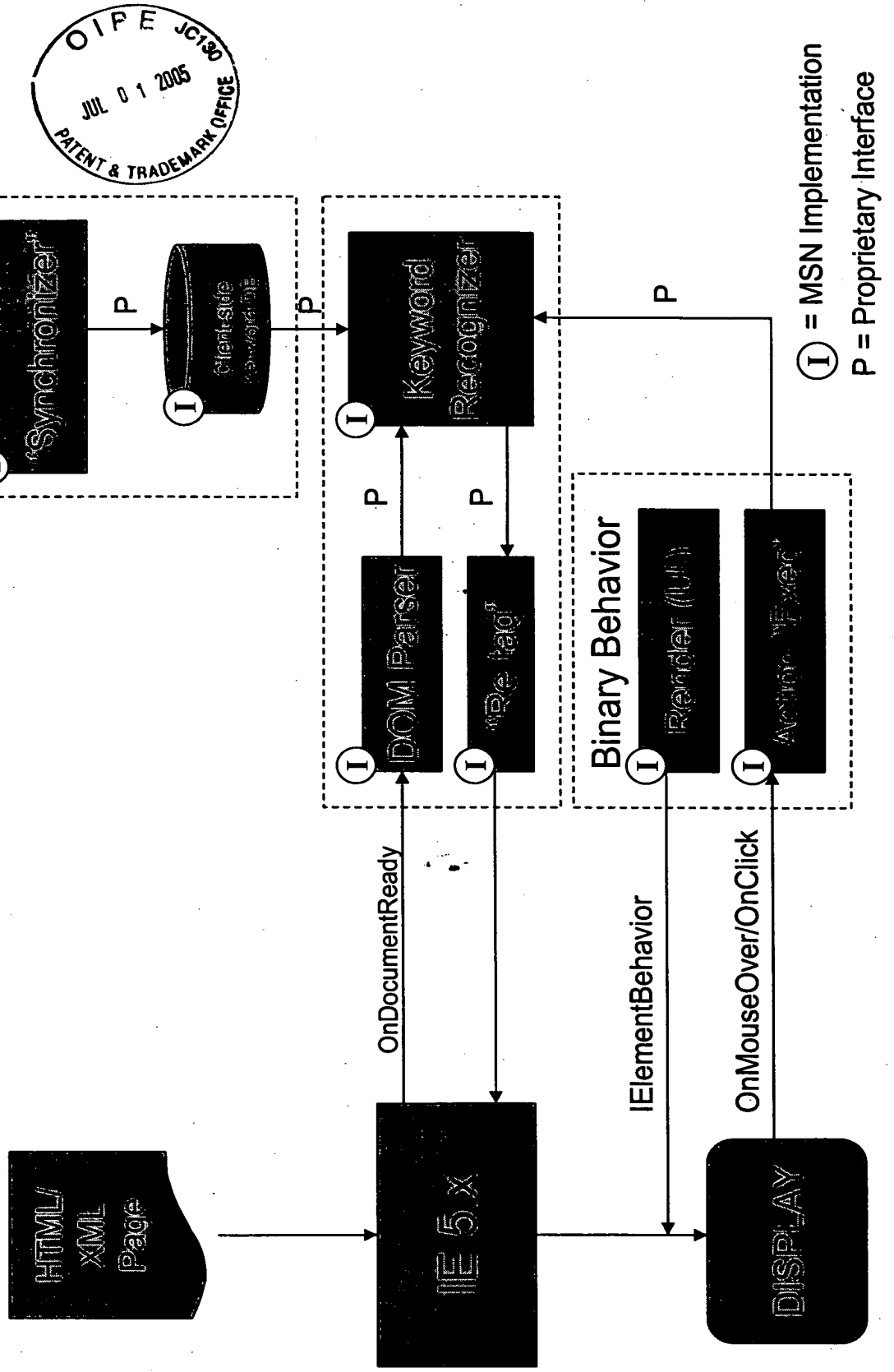
Smart Navigation MSN Search



Marcelo Calbucci (mcalbu)

Solution 1

Totally MSN Search Implemented

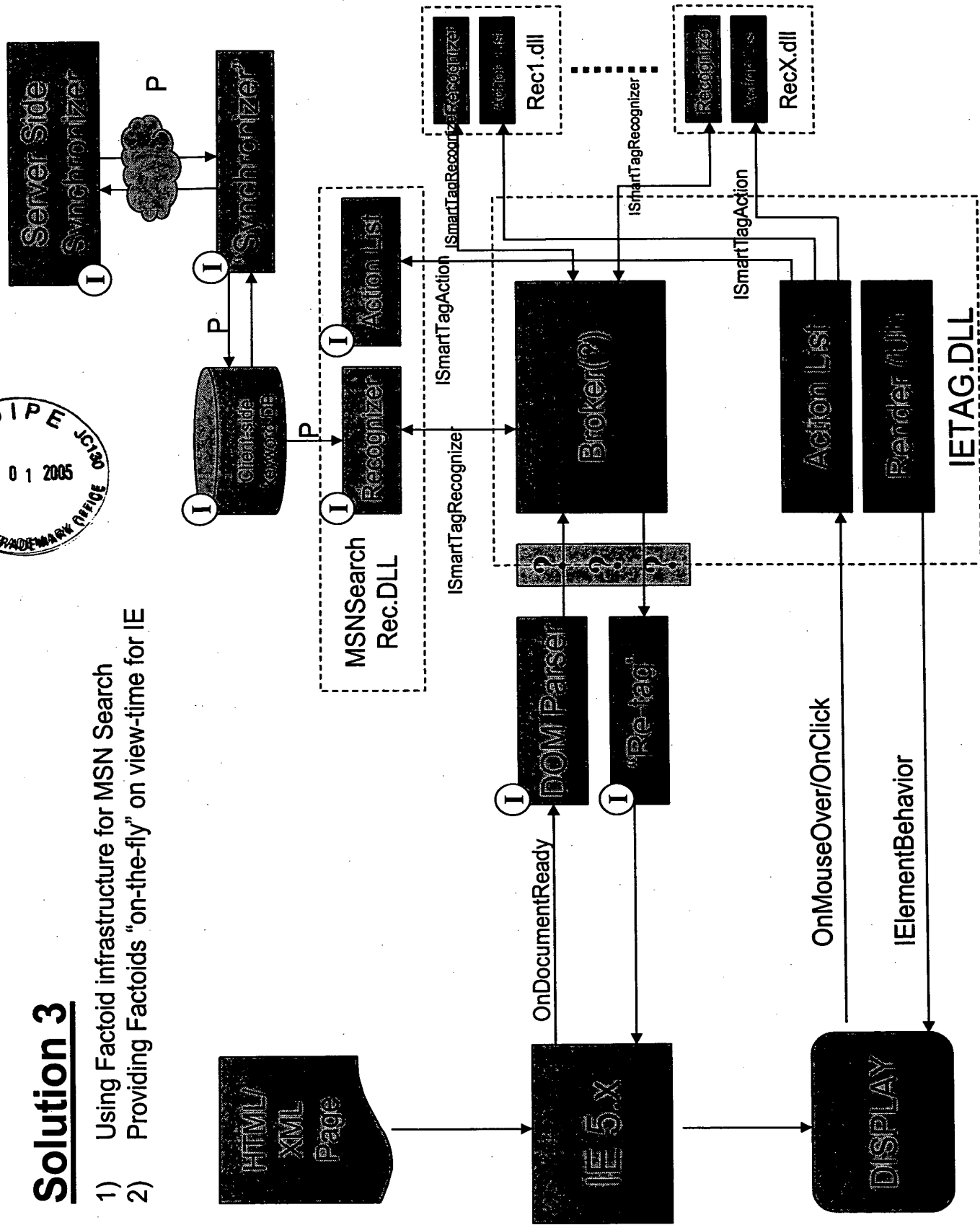


Using Factoid's Binary Behavior (UI borrowing only)



Solution 3

- 1) Using Factoid infrastructure for MSN Search
- 2) Providing Factoids "on-the-fly" on view-time for IE



Comparison



	Pros	Cons
Solution 1	<input type="checkbox"/> UI under our Control <input type="checkbox"/> Very low working set (only our DLL) <input type="checkbox"/> Can make as secure as we want	<input type="checkbox"/> Not integrated with Office UI <input type="checkbox"/> We have to build our own binary behavior and action system
Solution 2	<input type="checkbox"/> Integrated UI with Office <input type="checkbox"/> Faster implementation	<input type="checkbox"/> Doesn't support view-time Office factoids
Solution 3	<input type="checkbox"/> Integrated UI with Office <input type="checkbox"/> Supports view-time Factoids <input type="checkbox"/> Fully integrated solution	<input type="checkbox"/> We have to parse the document and create a new interface for IETag

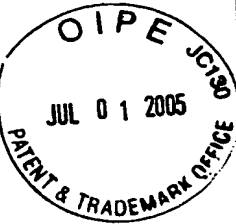
Considerations



Parsing	<ul style="list-style-type: none">• XML vs. HTML: Use different modes• DHTML: Content generated on the fly. How do we do?• "Screwing up" client-side scripts.
Synchronizing	<ul style="list-style-type: none">• UNICODE vs. Non-UNICODE• Protocols: Transport, Data Structure
Security	<ul style="list-style-type: none">• How hard it is to hijack MSN Actions? (C++ vs. Script)• How hard it is to tamper with keywords DB?
Usability	<ul style="list-style-type: none">• More intrusive UI for MSN Keywords• "Smarter" binary behavior for darker background
Distribution	<ul style="list-style-type: none">• Integration with Mars vs. IE 5.x• Setup for Smart Navigation (including IETag.dll)
Implementation	<ul style="list-style-type: none">• Be prepared for IE 5.x bugs!!!

Implementation

	Days	Solution 1	Solution 2	Solution 3	Description
Client					
DOM Parser	8	X	X	X	Parses the DOM as soon a page is loaded and extract all strings
"Re-Tag"	5	X	X	X	Uses DHTML to add all necessary tags
Render	12	X			IE Binary Behavior UI
Action Exec	4	X			IE Binary Behavior Action
Keyword Rec.	8	X	X		Searches for Words/Phrases on the DB and define what tag to use
DB	6	X	X	X	Stores all Keywords information
Synchronizer	12	X	X	X	Maintain and update the DB
MSN Rec.	12			X	Recognizer MSN Search to be used with Factoids
Action List	8			X	Action List from MSN to be used with Factoids
Mars Integrat.	5	X	X	X	Integrate the system into Mars
IE5 Integrat.	10	X	X	X	Integrate the system into IE
Setup	6	X	X	X	Setup for IE 5.
Synchronizer	?	X	X	X	Synchronizer that will provide information about updates and initials downloads.
Serv.					
Total Dev-days		61	45	57	



Technologies

- ✓ C++
- ✓ COM/ATL
- ✓ DHTML/XML
- ✓ HTTP
- ✓ WebOC (mshtml)
- ✓ XMLDom
- ✓ IE Plugins
- ✓ MS Installer
- ✓ Mars
- ✓ Factoid

